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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2010-105

13 **YANLEI WANG**

ACCUSATION

14 **16 East 8th Street, Apt. 2R**
15 **New York City, NY 10003**
Registered Nursing License No. 631848

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about February 3, 2004, the Board of Registered Nursing issued Registered
24 Nursing License Number 631848 to Yanlei Wang ("Respondent"). The Registered Nursing
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2009, unless renewed.
27
28

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022."

8. California Code of Regulations, Title 16, Section 1443 states: "As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that

1 degree of learning, skill, care and experience as ordinarily possessed and exercised by a
2 competent registered nurse as described in Section 1443.5."

3 9. California Code of Regulations, Title 16, Section 1443.5 states:

4 "A registered nurse shall be considered to be competent when he/she consistently
5 demonstrates the ability to transfer scientific knowledge from social, biological and physical
6 sciences in applying the nursing process, as follows:

7 . . .

8 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
9 and behavior, and through interpretation of information obtained from the client and others,
10 including the health team.

11 . . .

12 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
13 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
14 communication with the client and health team members, and modifies the plan as needed.

15 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
16 health care or to change decisions or activities which are against the interests or wishes of the
17 client, and by giving the client the opportunity to make informed decisions about health care
18 before it is provided."

19 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 DRUGS

24 11. "Geri-Tussin" is the generic name for "Guaifenesin," an expectorant that is classified
25 as a dangerous drug pursuant to Code Section 4022.

26 12. "Novolin" is a type of insulin, a medication used to control diabetes. It is classified
27 as a dangerous drug pursuant to Code Section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Gross Negligence)

3 13. Respondent is subject to disciplinary action under Code Section 2671(a) and/or
4 2671(a)(1) in that she administered a medication to a patient under her care who specifically
5 refused the administered medication. The circumstances are as follows:

6 14. On or about May 27, 2006, while on duty as a licensed Registered Nurse at the
7 Pleasant Care Rehabilitation Center, Santa Cruz, California, Respondent assumed care of Patient
8 J.R., who was a diabetic and had been prescribed Novolin by the Physician's Order for control of
9 her diabetes.

10 15. Respondent checked Patient J.R.'s blood sugar on the morning of May 27, 2006, and
11 concluded that she needed to be administered a subcutaneous shot of Novolin. She advised
12 Patient J.R. of the need for the Novolin, at which point Patient J.R. refused the medication, telling
13 Respondent to write "refused" on her Medication Record. Respondent administered the Novolin
14 despite Patient J.R.'s unequivocal refusal of this medication.

15 16. Respondent on February 28, 2007, provided a declaration of the events with Patient
16 J.R.. She affirmed that Patient J.R., had said "no" when told that she needed Novolin, and stated
17 that "I didn't realize that I made a mistake" in administering a medication when it was refused by
18 the patient.

19 SECOND CAUSE FOR DISCIPLINE

20 (Prescribe Dangerous Medications)

21 17. Respondent is subject to disciplinary action under Code Section 2671(a) and/or
22 2672(a) in that she administered dangerous medications to patients without a Physician's Order.
23 The circumstances are as follows:

24 **Patient V.M.**

25 18. On June 18, 2006, while on duty as a licensed Registered Nurse at the Pleasant Care
26 Rehabilitation Center, Santa Cruz, California, Respondent assumed care of Patient V.M.

27 19. Respondent heard Patient V.M. coughing and administered 10 ml of Geri-Tussin.
28 However, there was no Physician Order for this medication.

1 20. In an interview on February 28, 2007, in answering why she gave Patient V.M. Geri-
2 Tussin without a Physician's Order, she stated, "It was on the floor. It was a regular medicine
3 and I didn't think that I needed an order."

4 **Patient G.K.**

5 21. On June 18, 2006, while on duty as a licensed Registered Nurse at the Pleasant Care
6 Rehabilitation Center, Santa Cruz, California, Respondent assumed care of Patient G.K.

7 22. Respondent noted that Patient G.K. had a "sore" on her breast, that per her Nursing
8 Notes, she treated with "a cream." At an interview on June 26, 2006, Respondent stated that
9 the "cream" she used was in fact an antibiotic ointment, although she could not remember the
10 name of this medication. There was no Physician's Order for Respondent to administer any
11 medication for a sore on Patient G.K.'s breast.

12 23. On February 28, 2007, Respondent was interviewed in regards to her care of Patient
13 G.K. When asked why she administered the antibiotic ointment without a Physician's Order,
14 Respondent replied that she was just trying to do her best . . . to provide good patient care.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nursing License Number 631848, issued to
19 Yanlei Wang.

20 2. Ordering Yanlei Wang to pay the Board of Registered Nursing the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Business and Professions Code Section
22 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 8/28/09

25 *Louise R. Bailey*
26 LOUISE R. BAILEY, M.ED., RN
27 Interim Executive Officer
28 Board of Registered Nursing
 Department of Consumer Affairs
 State of California
 Complainant